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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/929,210

08/13/2001

Timothy Y. Chow

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04/20/2006

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EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,210

Applicant(s)

CHOW ET AL.

Examiner

Phirin Sam

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) 29, 33, 40-47, 50 and 52 is/are rejected.
- 7) ☒ Claim(s) 48 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 29, 33, 40, 41-47, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,628,649 (hereinafter referred as “Raj”) in view of US Patent 6,831,898 (hereinafter referred as “Edsall”).

Raj discloses the invention (**amended claims 29, 40, 50, and claims 33, 41-47, 52**) as claimed including an apparatus for use in a communication system, the apparatus comprising:

- (a) a source network containing a source node (see Fig. 6, element 212);
- (b) a destination network containing a destination node (see Fig. 6, element 213);
- (c) wherein at least one of said source network and said destination network is a mesh network (see Fig. 17b, abstract, col. 20, lines 16-21, 56-63);
- (d) wherein the destination network is a network other the source network (see Fig. 6);
- (e) a first route from said source network to said destination network, wherein said first route employs a first connection between said source network and said destination network (see Fig. 6, elements 230-1 to 230-N, col. 18, lines 20-24);

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(f) a second route from said source network to said destination network wherein said second route employs a second connection between said source network and said destination network wherein said second route is not identical to said first route (see Fig. 6, elements 230-1 to 230-N, col. 18, lines 20-24);

(g) a first data set originating from the source node and passing through said first connection (see Fig. 6, col. 18, lines 43-50, 56-67, and col. 19, lines 1-5);

Raj does not disclose a second data set comprising a copy of the first data set and passing through the second connection. However, Edsall discloses a second data set comprising a copy of the first data set and passing through the second connection (see Fig. 1A, elements 362 and 364, abstract, col. 8, lines 17-28). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the copy of the first data teaching by Edsall with Raj. The motivation for doing so would have been to provide to remain operative without interruption see abstract. Therefore, it would have been obvious to combine Edsall and Raj to obtain the invention as specified in the claims 29, 33, 40, 41-47, 50, and 52.

Allowable Subject Matter

3. Claims 30, 31, 34-39, 48, 49, and 51 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1-28 are allowed.

5. Applicant's arguments with respect to claims 29, 33, 34, 41, and 48-51 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: April 17, 2006

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**